

EXHIBIT “C”

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUSTIN T. MAHER,

Maynard, O'Connor, Smith &
Catalinotto, LLP

Plaintiff,

-against-

14-CV3586
(VLB)

CAITLIN H. RAILO and QUALITY
BUS SERVICE, LLC,

Defendants.

-x

Thursday,
March 26, 2015
10:05 a.m.

EXAMINATION BEFORE TRIAL
of the Defendant, CAITLIN H. RAILO, held pursuant
to Court Order, held at the Taconic Correctional
Facility, 250 Harris Road, Bedford Hills, New
York, before a Notary Public within and for the
State of New York.

CSR



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oOo

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties hereto, that this examination may be signed and sworn to before any Notary Public of the State of New York.

IT IS FURTHER STIPULATED AND AGREED that the filing and certification of the said examination shall be waived.

IT IS FURTHER STIPULATED AND AGREED that all objections to questions, except as to form, shall be reserved for the trial of this action.

1
2 C A I T L I N H. R A I L O, a

3 Defendant herein, having been first duly
4 sworn by Melissa Shelton, a Notary Public
5 of the State of New York, was examined
6 and testified as follows:

7 THE COURT REPORTER: Please state
8 your name and where you are currently
9 housed and your DIN number for the
10 record.

11 THE WITNESS: Caitlin H. Railo, at
12 Taconic Correctional Facility, 14-G0401.

13 EXAMINATION BY

14 MR. CIMINI:

15 Q. Good morning.

16 A. Good morning.

17 Q. Would you please state your full
18 name for the record?

19 A. Caitlin Helen Railo.

20 Q. Ms. Railo, my name is Vincent
21 Cimini. We were just introduced a few minutes
22 ago. I along with Sarah Lloyd and Evan Foulke
23 represent Justin Maher in the lawsuit that was
24 filed against you and against Quality Bus, and
25 we came here today to take your deposition.

1 CAITLIN H. RAILO

2 It's basically a question and answer session.

3 Before we begin, before I ask you
4 questions, I just want to lay a few ground rules
5 that I think will make this go a little
6 smoother. Okay?

7 You can see to my right there is a
8 court reporter here, and her job is to take down
9 my question and your answer, so it's important
10 that before you give your answer to a question,
11 that you wait until I fully finish my question.
12 Is that okay?

13 A. Absolutely.

14 Q. And just like you're doing now,
15 make your answers verbal as opposed to any kind
16 of shake of the head or nod of the head or any
17 kind of grunt other than a yes or a no. Is that
18 fair?

19 A. Absolutely, yes.

20 Q. Okay. Thank you. If at any time
21 you do not hear or understand a question, please
22 let me know and I'll rephrase the question.
23 Okay?

24 A. Okay.

25 Q. If at any time you want to take a

CAITLIN H. RAILO

break, if at any time you want to discuss something with your counsel, you need to use the restroom, whatever, just let us know and we'll be happy to accommodate you. Okay?

A. Yes.

Q. Can I call you Caitlin?

A. Yes.

Q. Caitlin, can you tell me your date of birth?

A. August 12th, 1981.

Q. And are you currently taking any type of prescribed medications?

A. Yes.

Q. What are you taking currently?

A. Clonidine, one milligram twice a day.

Q. Anything else?

A. Tegretol, 200 milligrams, twice a day.

Q. How many times a day?

A. Twice. Neurontin, 200 milligrams in the p.m. Ibuprofen, 600 milligrams, twice a day, and a cholesterol medication. I don't remember the name, to be honest with you. I

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CAITLIN H. RAILO

could find out. I just don't remember the name.

Q. Okay. That's fine. Anything else?

A. No.

Q. Do any of those medications affect your ability to hear or understand questions that I'm asking you today?

A. No.

Q. Do you believe that any of those medications that you're on would impair your ability to answer questions today?

A. No.

Q. What is the Tegretol?

A. Seizure medication.

Q. Seizure medication?

A. Yes.

Q. And the Neurontin, what are you taking that for?

A. Pain.

Q. And the Clonidine?

A. Blood pressure.

Q. And the Ibuprofen?

A. Pain.

Q. Pain. And you said you're also taking a cholesterol med?

1 CAITLIN H. RAILO

2 A. Yes. Lopid, that's it. L-O-P-I-D.

3 Q. Do you currently suffer from
4 seizures?

5 A. Yes. Not with the medication.

6 Q. Okay. How long has that been the
7 case?

8 A. Since I've had seizures?

9 Q. Yes.

10 A. I don't remember the first time I
11 had one. It's been years. I haven't had one
12 since last year, but it's been over five years.

13 Q. How often were you getting the
14 seizures?

15 A. It all depends on -- it depends on
16 everything, what I'm doing, my diet, medication
17 that I'm on. It depends on everything. Stress
18 levels.

19 Q. Have you suffered from seizures
20 since you were a young child?

21 A. No.

22 Q. When did the seizures start?

23 A. Car accident when I was a teenager.

24 Q. When you were a teenager?

25 A. Mid twenties.

1 CAITLIN H. RAILO

2 Q. I'm sorry?

3 A. Twenties.

4 Q. In your twenties?

5 A. Um-hum.

6 THE COURT REPORTER: Yes?

7 THE WITNESS: Yes.

8 Q. Where was that car accident?

9 A. Wallkill.

10 Q. Were you driving?

11 A. No.

12 Q. You were a passenger. Who was
13 driving the car?

14 A. My ex. I don't want to say his
15 name.

16 Q. Was there a police report as a
17 result of the accident?

18 A. Yes.

19 Q. Did it involve another vehicle?

20 A. No.

21 Q. Did you strike your head as a
22 result of the accident?

23 A. (Indicating affirmative response.)

24 Q. You have to say yes.

25 A. Yes. Sorry. Yes.

1 CAITLIN H. RAILO

2 Q. Since that time, up until last
3 year, I think you said you would have seizures?

4 A. Um-hum, yes.

5 Q. And you can't tell me how often per
6 year you would have seizures per month during
7 that time period?

8 MR. LaROSE: I'm not sure I
9 understand the question. She's already
10 said if she is on her medication she
11 doesn't have them.

12 Q. When did you start taking the
13 medication for seizures?

14 A. Years ago. I was on a different
15 medication. I was on Depakote.

16 Q. Depakote?

17 A. Um-hum.

18 Q. The accident happened when you were
19 in your twenties you said?

20 A. Yes.

21 Q. Do you remember the year?

22 A. No.

23 Q. And did you say where it happened,
24 Wallkill?

25 A. Yes.

1 CAITLIN H. RAILO

2 Q. Wallkill, New York?

3 A. Yes.

4 Q. When did you suffer your first
5 seizure following that accident?

6 A. About six months later.

7 Q. When did you first start taking
8 medication as a result of the seizures?

9 A. When I had a seizures.

10 Q. How many seizures would you say
11 you've had?

12 A. I don't know.

13 Q. More than one?

14 A. Yes.

15 Q. More than ten?

16 A. No.

17 Q. More than five?

18 A. I can't remember how many.

19 Q. When was the last seizure that you
20 had? You said a year ago?

21 A. Yes.

22 Q. Was that while you were in prison?

23 A. County.

24 Q. When you were in county prison?

25 A. Yes, county jail.

1 CAITLIN H. RAILO

2 Q. What doctor prescribed the
3 Depakote?

4 A. I don't remember. I've seen too
5 many doctors. I think started in a rehab and
6 then just carried along when I left the rehab.
7 The seizures really only came most of the time
8 with drug use.

9 Q. You said a couple of things are
10 going to prompt me to ask you some questions,
11 and let me just preface, you know, these
12 questions by saying it's not my intention to
13 embarrass you or to make you feel uncomfortable,
14 but I'm doing my job and I have to ask these
15 questions, so I apologize for the nature of the
16 questions that I have to ask, but please, I hope
17 you understand that I really have to do this.
18 Okay? I appreciate your --

19 A. Yes.

20 Q. -- your cooperation.

21 You mentioned something about your
22 seizures happening with drug use?

23 A. Yes.

24 Q. What type of drug use are you
25 talking, illegal drug use?

1 CAITLIN H. RAILO

2 A. Pills. I've done drugs when I was
3 younger. I mean, through my whole teenage
4 years, early twenties, of course.

5 Q. What kinds of drugs were you doing
6 in the early -- your teenage years and early
7 twenties?

8 A. Drinking, pills.

9 Q. What kind of pills?

10 A. I don't remember. Ecstasy. I
11 mean, normal -- I don't know. Just alcohol,
12 Ecstasy.

13 Q. Marijuana?

14 A. Every once in a while, yes.

15 Q. Cocaine?

16 A. Not really.

17 Q. Ever?

18 A. No, I have a few times. I just
19 don't like it.

20 Q. How about heroin?

21 A. Um-hum, yes.

22 Q. Yes. How long did your drug use
23 last?

24 A. Until five years ago when I went on
25 Suboxone.

1 CAITLIN H. RAILO

2 Q. You said "five years ago." So,
3 that would have been -- it's 2015 -- so 2010?

4 A. 2010, yes.

5 Q. Now, I named some drugs including
6 heroin, cocaine, marijuana, Ecstasy, alcohol.
7 Did you use any other drugs that I didn't
8 mention?

9 A. That's basically all of them.

10 Q. Who prescribed the Suboxone in 2009
11 or 2010?

12 A. Dr. Galli.

13 THE COURT REPORTER: How do you
14 spell that?

15 THE WITNESS: G-A-L-L-I.

16 Q. Who is Dr. Galli?

17 A. Viviana Galli. She works out of
18 Port Jervis. She's actually out of the mental
19 clinic.

20 MR. CATALINOTTO: I'm sorry, what
21 clinic?

22 THE WITNESS: Mental.

23 MR. CATALINOTTO: Okay.

24 Q. What's the name of the clinic?

25 A. Just Port Jervis Medical Center,

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CAITLIN H. RAILO

Port Jervis Mental Health, one of them.

Q. When did you first start seeing Dr. Galli?

A. Five, six years ago.

Q. And you mentioned something about being in rehab. Were you ever in rehab for your drug or alcohol use?

A. Yes.

Q. Can you tell me when and where?

A. I don't remember. Middletown. I don't actually remember the name of the place right now.

Q. Do you remember when?

A. This was years and years ago. Twenties.

Q. When you were in your twenties?

A. Um-hum.

Q. Early twenties, mid-twenties or late twenties?

A. Early and mid-twenties.

Q. When was the last time you were in rehab -- let me just finish the question.

When was the last time you were in rehab for drugs and/or alcohol?

1 CAITLIN H. RAILO

2 A. I don't remember. It was years
3 ago. I don't remember the year.

4 Q. Okay. Let's use the bus accident
5 as maybe a frame of reference. That happened in
6 February of 2013.

7 Using that as a frame of reference,
8 can you tell me when the last time you would
9 have been in rehab prior to that date?

10 A. No, that doesn't help. Before my
11 daughter was born. My daughter is eight, so it
12 had to be nine, ten years ago.

13 Q. That was the last time you were in
14 rehab?

15 A. Yes.

16 Q. Do you remember where that place
17 was?

18 A. Daytop, actually.

19 Q. What is it called?

20 A. Daytop.

21 Q. And where is that located?

22 A. Rhinebeck.

23 Q. Rhinebeck, New York?

24 A. Yes.

25 Q. Have you ever been deposed before

1 CAITLIN H. RAILO

2 like this?

3 A. No.

4 Q. Did you review any documents in
5 order to prepare for today's deposition?

6 A. No.

7 Q. Did you talk to anyone other than
8 your attorney about today's deposition?

9 A. No.

10 Q. Now, of course you know why we're
11 here. We're going to ask you questions about
12 your background, you know, leading up to the
13 date of the accident on February 14th, 2013.
14 That was the day of the bus accident. Do you
15 remember that accident?

16 A. Yes.

17 Q. Why, in your own words right now,
18 just tell me what you remember about that
19 accident and then later on I'm going to get into
20 some more detail, but just for now, tell me what
21 you recall about that.

22 A. There is not really much to say. I
23 just remember I was making a turn and his car
24 came out of nowhere. I mean, he was -- I mean,
25 not that he came out of nowhere, but he was

CAITLIN H. RAILO

quickly -- he came because I'm in a bus, so I'm higher, and that turn is really sharp. If I was in my car, I wouldn't be able to see around that turn at all, as I was higher, I could see more around that turn, and I did not see him coming. I would have had ample time to come if I saw him coming.

Q. Again, we'll get into some more detail later on. Can you tell me what road were you traveling on when the accident happened?

A. What was that? 42? I don't remember what the name of the road. 209? 208.

Q. Again, this is another instruction for you. If you do not know an answer or you don't remember an answer to a question, please tell me that you don't know or you don't remember. I don't want you to guess.

A. I don't remember.

Q. Unless your guess is a pretty good guess and you feel confident with that guess.

MR. LaROSE: Don't worry about it. They have the police report. They can identify the roads.

Q. I'm just trying to get what you

1 CAITLIN H. RAILO

2 remember, that's all. Okay?

3 What was your last home address
4 before you went into prison as a result of this
5 accident?

6 A. White Street. 5 White Street.

7 Q. In what town?

8 A. Port Jervis.

9 Q. And who were you living with at
10 that place?

11 A. Myself, my daughter.

12 Q. What is your daughter's name?

13 A. Alexis.

14 Q. And you said she's eight years old?

15 A. Yes.

16 Q. Who currently has custody of
17 Alexis?

18 A. My mother.

19 Q. What is your mother's name?

20 A. Sheila Metcalf.

21 Q. Do you know when you're going to be
22 released from prison?

23 A. November.

24 Q. Of what year?

25 A. This year or March of 2016.

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CAITLIN H. RAILO

Q. And where do you intend to reside
after you're released?

A. My mother's probably.

Q. Where is that address?

A. 807 Oakland Valley Road,
Cuddebackville, New York.

Q. Have you ever been married?

A. Yes.

Q. What was your husband's name?

THE WITNESS: Do I have to say my
husband's name?

MR. LaROSE: Yes.

A. Eric Baisley.

Q. How do you spell the last name?

A. B-A-I-S-L-E-Y.

Q. When were you and Eric married?

A. July of 2011.

Q. Would it be fair to say that you
got divorced from Eric at some point?

A. No.

Q. You're still married?

A. Yes.

Q. Did you become separated from Eric?

A. Yes.

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CAITLIN H. RAILO

Q. When did you and Eric separate?

A. Three years ago.

Q. Is Eric the father of your
daughter?

A. No.

* Q. Who's the father of your daughter?

MR. LaROSE: Is that really
necessary?

THE WITNESS: No, it's not.

MR. CIMINI: It could be. I don't
know.

MR. LaROSE: How does that relate
to this accident or anything that leads
up to it?

MR. CIMINI: It relates to all of
her background, could potentially be
important. At this point, I don't know.
It's a simple question. I believe it's a
fair question. If you're going to tell
her not to answer, tell her not to answer
and we'll bring it up with the judge. I
don't want to delay this.

MR. LaROSE: Do you mind telling
her who the father of your child is?

1 CAITLIN H. RAILO

2 THE WITNESS: Yes, I do mind.

3 MR. LaROSE: She doesn't want to
4 answer.

5 Q. Were you married to anyone else
6 other than Eric Baisley?

7 A. No.

8 Q. Do you have any other children
9 other than your eight-year-old daughter?

10 A. No.

11 Q. Have you ever gone by any name
12 other than Caitlin Railo?

13 A. Or Metcalf Railo. That's my mom's
14 name, but that's not my legal name.

15 Q. All right. Just before we get to a
16 document that I want to show you, how do you
17 spell Caitlin?

18 A. C-A-I-T-L-I-N.

19 Q. Did you ever spell it C-A-I-T-
20 L-Y-N?

21 A. Yes.

22 Q. Is there any reason why you
23 would -- Did you use both a Y and an I?

24 A. I used it when I was a teenager
25 which it just kind of stuck.

1 CAITLIN H. RAILO

2 Q. We've seen documents where it
3 appears that your name is spelled with at one
4 time an I-N, and then another time a Y-N, and I
5 was just trying to understand why there was a
6 difference.

7 A. Probably -- I don't think about it
8 because I used to spell it with a Y.

9 Q. And you said you've gone by the
10 name Caitlin Metcalf, as well?

11 A. Yes.

12 Q. Have you ever used the name Kate
13 Railo or Kate Metcalf?

14 A. No. Kate was my original name on
15 my birth certificate.

16 MR. CIMINI: And actually that's
17 what we're going to mark as the first
18 exhibit, and I want to show you Railo A.

19 (Whereupon, a copy of an original
20 birth certificate was marked as Railo
21 Exhibit A for Identification as of this
22 date.)

23 (Document submitted.)

24 Q. Caitlin, I just handed you what we
25 just marked as Railo Exhibit A, and it's a copy

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CAITLIN H. RAILO

of your original birth certificate and it has
the name of Kate Helen Railo. Do you see that?

A. Yes.

Q. And is that your date of birth,
8/12/81?

A. Yes.

Q. And then there appears to have been
an amendment to your birth certificate; correct?

A. Yes.

Q. And that amendment occurred on
March 17th, 2009, and that indicates that you've
changed your --

A. 2009. That was when I was one.

Q. 2009?

A. Nothing happened in my birth
certificate in 2009.

Q. I'm just looking at the date
issued. There is a date issued.

A. I had to get a new one in Bergen
County, that was in 2009. I didn't have an
original birth certificate.

Q. Okay. So -- but at some point your
name was changed from -- legally changed from
Kate to Caitlin; correct?

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CAITLIN H. RAILO

A. Yes, my mom did it when I was one years old or two.

Q. Well, that's what I wanted to ask. When did that occur?

A. I was a baby when she did that, one or two years old.

Q. Okay. Because looking at this document, I just thought that that occurred maybe in 2009.

A. No. Date issued. That's when I got a copy.

Q. Okay. And would you confirm what your Social Security number is?

MR. CIMINI: And I would ask that the court reporter only put the last four digits in the record.

A. Are you saying it's on this paper?

MR. LaROSE: He is asking, from memory.

A. XXX-XX-5139.

Q. And do you know what name is listed on your Social Security card?

A. Caitlin Helen Railo.

Q. Have you ever been issued more than

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CAITLIN H. RAILO

one Social Security card?

A. I think I got a copy of one before.

Q. Would it have the same name on it
as far as you know?

A. Yes.

MR. LaROSE: Off the record.

(Discussion off the record.)

Q. Do you know how your name is
spelled on your Social Security card?

A. The same way, I would assume.

Q. The same way as what?

A. My birth certificate.

Q. Okay. C-A-I-T-L-I-N?

A. Yes.

Q. It appears that at times you may
have used the last name Metcalf; is that
correct?

A. Yes. My mom had me use that name
when I was younger until I went and got a birth
certificate and it said Railo is my father's
name, Metcalf is my mom's name. My mom didn't
want me to have anything to do with my father
when I was younger, so she had me use Metcalf
without me knowing that Railo was my real name,

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so through all of school I used Metcalf.

Q. When did you start using Railo?

A. When I went for my driver's license and needed my birth certificate.

Q. That was the first time that you transitioned from Metcalf to Railo?

A. Yes.

Q. Where were you born, Caitlin?

A. Westwood, New Jersey.

Q. And where did you grow up?

A. I moved from Jersey when I was six and then New York.

Q. Where in New York?

A. Middletown, Bloomingburg, Walker Valley, Cuddebackville.

Q. Were you raised by your mother?

A. Yes.

Q. Did you ever know your father growing up?

A. Not until I was, I want to say, eighteen, nineteen.

Q. What is your father's name? We know his last name is Railo.

A. Craig.

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CAITLIN H. RAILO

Q. Craig?

A. Um-hum. He is not alive anymore.

Q. When did he pass?

A. My honeymoon.

Q. Which was what year?

MR. LaROSE: 2011.

Q. Do you have any brothers or
sisters?

A. Not by the same mother, same
father.

Q. Do you have any half-brothers and
sisters?

A. I have two that I talk to, yes.
Megan Hanath, H-A-N-A-T-H, Josh. Megan and
Josh.

Q. Do they live in New York?

A. Yes.

Q. And you say you still talk to them?

A. I haven't talked to them in
probably two years, though.

Q. And you have other half-brothers
and sisters that you don't talk to; is that
correct?

A. Yes.

1 CAITLIN H. RAILO

2 Q. What are their names?

3 A. Jenny, Kyle -- I think Kyle, Kelly,
4 Craig. That's it.

5 Q. Caitlin, can you just try to give
6 me a sense of what your educational background
7 is starting from grade school forward? Tell me
8 about what schools you went to.

9 A. I got my GED, and then I went to
10 OCC, Orange County Community College, I went to
11 Dutchess Community College and I went to MTI.

12 Q. Where did you go to grade school?

13 A. Elementary?

14 Q. Yeah.

15 A. Jersey, in Westwood.

16 Q. What's the name of the school?

17 A. I don't know. I don't remember.

18 Q. Did you attend high school
19 anywhere?

20 A. Pine Bush.

21 Q. Where is that?

22 A. In Pine Bush. It's just called
23 Pine Bush High School. It's in New York.

24 Q. How far did you get through high
25 school?

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CAITLIN H. RAILO

A. Tenth grade.

Q. And then you said you got your GED?

A. Yes.

Q. When did you get your GED?

A. I don't remember the exact year.

As soon as I dropped out.

Q. I'm sorry, as soon as you dropped
out?

A. Yes.

Q. And then you went to, you said,
Orange County?

MR. LaROSE: Orange Community
County College, Dutchess Community County
and MCI.

THE WITNESS: MTI.

MR. LaROSE: Oh, MTI.

Q. Did you obtain a degree in Orange
Community County?

A. Degree, no.

Q. What kind of classes did you take
there?

A. Criminal justice, math and English.

Q. How many years did you attend
Orange Community County?

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CAITLIN H. RAILO

A. One.

Q. I think you also said you went to
Dutchess?

A. Yes.

Q. And how long did you go there?

A. Just the one, just one year to
finish women's health.

Q. I'm sorry, what was that?

A. Just the one year and I finished.

Q. Did you obtain a degree?

A. In women's health?

Q. In women's health.

A. Yes.

Q. Do you remember what year that was?

A. No.

Q. And then you said you went to MTI?

A. Yes.

Q. What is MTI?

A. It's a -- it's like a college, but
it's fast track.

Q. Where is that located?

A. Poughkeepsie.

Q. How long were you at MTI?

A. Just the one year.

1 CAITLIN H. RAILO

2 Q. Did you obtain any type of degree
3 or certificate?

4 A. Yes.

5 Q. What was that in?

6 A. Phlebotomy and medical assistant.

7 Q. Do you remember what year that was?

8 A. No. It was right before my
9 daughter was born, so eight years ago, nine
10 years ago.

11 Q. Did you ever go to or obtain any
12 educational training at Kingston Benedictine
13 Hospital?

14 A. That's where I did my internship,
15 yes.

16 Q. An internship in what?

17 A. Phlebotomy.

18 Q. What is phlebotomy?

19 A. Take blood.

20 Q. How long did your internship last
21 at Kingston Benedictine Hospital?

22 A. I don't remember the exact. Couple
23 months. I don't remember exactly how long.

24 Q. Did you finish the internship?

25 A. Yes, um-hum.

1 CAITLIN H. RAILO

2 Q. Did you obtain any type of
3 certification to dispense medication?

4 A. Yes.

5 Q. And can you tell me about that,
6 where you obtained that certificate from?

7 A. At my job. They do it there at
8 Riverside Support Center. I worked in rehab.

9 Q. I'll get to that in just a minute.
10 What kind of medications were you
11 authorized to dispense based on obtaining that
12 certificate from Riverside?

13 A. Any and all medication.

14 Q. Would that just be for dispensing
15 medications to the patients at Riverside?

16 A. Yes.

17 Q. You couldn't dispense them to
18 anybody outside of that facility, could you?

19 A. No.

20 Q. I think maybe I asked you this. I
21 apologize. Were you allowed to prescribe
22 medications?

23 A. No.

24 MR. CIMINI: I'm just going to show
25 you quickly what we'll mark as Railo B.

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CAITLIN H. RAILO

(Whereupon, a resume and a letter dated July 30th, 2012 were marked as Railo Exhibit B for Identification as of this date.)

Q. Just hand you what we've marked as Railo B, and that looks like it's your resume.

(Document submitted.)

Q. Would you agree with that?

A. Yes.

Q. Did you prepare this resume?

A. With help, yes.

Q. It's actually the resume is one page and the second page of this exhibit is a July 30th, 2012 letter; correct?

A. Yes.

Q. Is everything that's contained on the first page of the resume correct and accurate as far as you know?

A. Yes.

Q. And then if you flip over, the second page is your July 30th, 2012 letter. Do you see that?

A. Yes.

Q. What was the purpose of writing

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CAITLIN H. RAILO

this particular letter?

A. I don't know.

Q. Who was it intended to be viewed
by?

A. Anybody that I handed my resume to.

Q. But potential employers?

A. Yes.

Q. And in the first sentence, you
indicated that you were employed at Riverside
Rehabilitation Treatment Facility; correct?

A. Yes.

Q. Can you tell me what type of
facility is Riverside Rehabilitation Treatment
Facility?

A. It's a rehab.

Q. Rehab for what kind of patients?

A. Drug, for drug use.

Q. Were you ever a patient at
Riverside?

A. No.

Q. While you were at Riverside, did
you dispense medications to patients?

A. Yes.

Q. Do you know what kinds of

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CAITLIN H. RAILO

medications you dispensed? Do you have any
recollection?

A. They had psych meds, sleeping
medications, medications for blood pressure,
for, I mean, anything.

Q. How long did you work at Riverside?

A. About two years.

Q. And why did you leave Riverside?

A. Riverside closed.

Q. Do you know when it closed?

A. 2000 -- I don't remember when, no.

Q. Was that the last job that you had
before obtaining employment with Quality Bus?

A. No. I worked at Kaltec for a
little while.

Q. Do you remember the years that you
worked at Riverside Rehab?

A. 2010 to 2012.

Q. And I'm just going to read another
sentence from your letter, July 30th, 2012. You
wrote, "My duties at Riverside included handling
all calls, client intake, appointment
scheduling, transportation, administering
medications, payroll, billing, maintaining

1 CAITLIN H. RAILO

2 medical records and whatever else is needed by
3 my employer." When you wrote "transportation,"
4 what did you mean by that?

5 A. Either they have to take a bus to
6 get home from there or they have to be scheduled
7 for a ride when they get discharged from the
8 rehab.

9 Q. And I guess --

10 A. Some of them take the train.
11 Sorry.

12 Q. The question that I have, I was a
13 little bit unsure on reading that, did you
14 actually provide the driving for those patients
15 to get wherever they needed to go or did you
16 just make arrangements?

17 A. No, I had to make arrangements.
18 Sometimes he would pay for their bus or pay for
19 their train, but that was the extent of it.

20 Q. In other words, you never did any
21 of the actual driving to bring those patients
22 anywhere?

23 A. Not home, no. You're not supposed
24 to see their home.

25 Q. Well, did you drive patients

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CAITLIN H. RAILO

anywhere?

A. Maybe to the doctors, yes. It's right in Port Jervis.

Q. So, that was part of your duties, is to drive patients maybe to the doctor's appointments?

A. Yes. Rarely, though. I had to stay in the office.

Q. When you would do that driving, what type of vehicle did you use, do you recall?

A. They have a company vehicle.

Q. Was it a bus? Is it a van? Is it a car, regular car? Do you remember?

A. It's a Jeep.

Q. Just a regular Jeep?

A. Yes.

Q. Did you ever use any other vehicle for Riverside other than the Jeep?

A. No.

Q. Did you ever drive a bus for Riverside?

A. No.

Q. Did you ever drive a truck for Riverside?

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CAITLIN H. RAILO

A. No.

Q. Do you have any criminal record other than for the charges that you're in prison for here as we sit here today?

A. Yes.

Q. Tell me about what your understanding of your criminal record is other than the charges that relate to this bus accident?

A. I don't know every single one of them, but...

Q. What you can recall for now would be fine.

A. Petit larceny, DWAI, possession in the seventh. I think that's all I remember. I don't remember any other ones.

Q. You mentioned -- I got three things when you answered that. Petit larceny?

A. Yes.

Q. Can you tell me about that?

A. I don't know what to say. I was younger. I was using drugs. I haven't gotten arrested in years.

Q. What were you arrested for specifically with respect to that charge?

1 CAITLIN H. RAILO

2 A. I don't remember.

3 Q. And then I think you also said DWI?

4 A. No.

5 MR. LaROSE: AI.

6 A. DWAI.

7 Q. Tell me what that is.

8 A. Driving while ability impaired.

9 Q. When was that?

10 A. Like I said, it's been over ten
11 years. Twelve years, I think.

12 Q. Where was that?

13 A. I don't remember. I believe in
14 Newburgh.

15 Q. Did that offense, criminal offense
16 involve drugs or alcohol or both?

17 A. Drugs.

18 Q. Do you remember what type of drugs?

19 A. No.

20 Q. And I believe the last thing that
21 you said was possession?

22 A. In the seventh.

23 Q. In the seventh. Can you explain
24 what that means?

25 A. It's -- when you get possession in

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CAITLIN H. RAILO

the seventh, it's something minuscule. It's not even worth going to jail for. I don't even remember what it was. It was an empty bag of weed. I don't remember what it was.

Q. You don't remember?

A. No.

Q. Would it be fair to say, correct me if I'm wrong, that you have other items in your criminal history, but you just can't recall them or --

A. Yes.

Q. Is that everything that you listed?

A. That's not everything. I don't remember all of them.

Q. You just can't remember?

A. No.

Q. Were you ever involved in any motor vehicle accident before February 14th, 2013?

A. Yes.

Q. Can you tell me the circumstances surrounding those accident or accidents?

A. While I was driving.

Q. We'll start with while you were driving, yes.

1 CAITLIN H. RAILO

2 A. I was in an accident in Newburgh.

3 Q. Do you remember when that was?

4 A. I'm trying to remember. Ten years
5 ago, before my daughter was born.

6 Q. What were the circumstances
7 involving that accident?

8 A. Somebody had hit my driver's side
9 door and flipped over me in an intersection.

10 Q. Were you cited at all as a result
11 of that accident for any type of traffic or
12 moving violation?

13 A. Yes.

14 Q. What were you cited for?

15 A. I don't remember.

16 Q. Were you criminally charged or
17 convicted of any criminal offenses as a result
18 of that accident in Newburgh?

19 MR. LaROSE: Let me ask for a
20 clarification. By that you don't mean
21 like pleading to a Vehicle and Traffic
22 charge, something higher than that?

23 MR. CIMINI: Correct.

24 MR. LaROSE: Okay. Meaning some
25 type of criminal charge, not a traffic

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CAITLIN H. RAILO

ticket or something else, was there any criminal charges that you pled to or were convicted of for that accident?

THE WITNESS: Leaving the scene of a personal injury accident.

MR. LaROSE: Okay.

Q. Any other criminal charge related to that accident other than leaving the scene?

A. No.

Q. Can you tell me why you left the scene? Do you recall that?

A. Actually, I was told to -- yes, I do recall it. I ran to his vehicle and stayed with him until the ambulance and fire department came, and believe it or not, the cops didn't show up for I think they said two hours, an hour after the accident. The car was still there and they told me to go.

Q. Who told you?

A. The fire department said "We don't need you anymore, go. " They're going to close down the road, and the police never got there.

Q. So, it was the -- as far as you recall, was the emergency personnel, fire

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CAITLIN H. RAILO

department, that told you to leave?

A. Um-hum.

Q. Almost two hours after the
accident?

A. No. The police didn't get there
for two hours after the accident.

Q. I understand that. But it was the
fire department that told you to leave after two
hours because the police hadn't arrived yet?

A. After two hours.

Q. Okay. After two hours?

MR. LaROSE: No. You keep saying
"after two hours." She is saying no.

Q. When did you leave?

A. About forty-five minutes later.

Q. Forty-five minutes after the
accident occurred?

A. Yes.

Q. And you're saying -- I just want to
understand what your testimony is -- that you
left because the fire department told you you
could leave?

A. He told me they didn't need my
assistance. They were closing down the road.

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CAITLIN H. RAILO

My car was drivable.

Q. And they said you could leave?

A. Um-hum.

Q. Is that a yes?

A. Yes.

Q. And that's one accident. Are there any other accidents that you recall being involved in other than the February 14th, 2013 accident when you were driving or while you were driving?

A. No.

Q. Do you recall ever being cited or charged for speeding while operating a motor vehicle?

A. No.

Q. And just so I understand your answer, is your answer no, you've never been charged with speeding in a motor vehicle, or no, you don't recall ever being charged?

A. I don't ever remember getting a speeding ticket, no.

Q. How old were you -- the accident that involved when you were charged with leaving the scene, do you know if there was a civil

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CAITLIN H. RAILO

lawsuit filed against you by anyone that was involved in that accident?

A. No.

Q. There was not?

A. No.

Q. How old were you when you obtained your driver's license?

A. Sixteen.

Q. And in what state was that?

A. New York.

Q. Are there any restrictions on your driver's license?

A. No.

Q. Did you ever obtain a driver's license from any other state other than the State of New York?

A. No.

Q. Has your driver's license ever been suspended or revoked for any reason?

A. Yes.

Q. Can you tell me about that?

A. It was suspended for fines, I believe.

Q. For unpaid fines?

1 CAITLIN H. RAILO

2 A. Yes.

3 Q. Do you remember when that was?

4 A. No.

5 Q. Do you remember how long your
6 license was suspended?

7 A. No. I think it wasn't long. I
8 know that. I don't remember, though. No. This
9 was -- we're talking over ten years ago, so I
10 don't remember.

11 Q. Was that the only time that your
12 driver's license, your New York State driver's
13 license was suspended?

14 A. Yes, except for now.

15 Q. Except for now. And how long is
16 your driver's license suspended now?

17 A. A year.

18 Q. And that's as a direct result of
19 the February 14, 2013 accident?

20 A. Yes.

21 Q. Now I'm going to show you another
22 document.

23 MR. CIMINI: We'll mark this as

24 Railo D. Actually, let's mark that Railo

25 D. I know it's out of sequence. There

1 CAITLIN H. RAILO

2 is a reason for that.

3 MR. LaROSE: Off the record.

4 (Discussion off the record.)

5 (Whereupon, a Record Expansion was
6 marked as Railo Exhibit D for Identifica-
7 tion as of this date.)

8 (Document submitted.)

9 Q. Do you have in front of you what
10 we've marked as Railo D?

11 A. Yes.

12 Q. This I'll represent to you, that
13 this was obtained from the State of New York and
14 it has your essentially what is identified as a
15 Record Expansion for Caitlin H. Railo. Do you
16 see that at the top?

17 A. Barely, but yes.

18 MR. LaROSE: Can you read it? It's
19 very small print.

20 THE WITNESS: It's very small.

21 Q. There is, on the upper left-hand
22 corner is "Railo, Caitlin H." --

23 A. Yes.

24 Q. -- "5 White Street, Apartment 2,
25 Port Jervis, New York 12771," and then to the

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CAITLIN H. RAILO

right of that, "date of birth, 8/12/1981."

A. Yes.

Q. Would you agree that that's you?

A. Yes.

Q. Do you ever recall being charged with driving a motor vehicle without having insurance and that charge being on July 30th, 2009?

MR. LaROSE: Where on the document are we looking to make it easier? Again, this type is very small.

A. No.

MR. CIMINI: On the bottom section.

MR. LaROSE: Okay.

A. Oh, I do. Yes, I do remember. I didn't pay on time. I was on 84. I remember that.

Q. I'm just going to ask you some questions about what this document says relating to that, and I just want to know, if you can, if you have any recollection. It says that, with respect to your license, that it was revoked on September 4th, 2009 and it says "operating without insurance" and then underneath that

1 CAITLIN H. RAILO

2 "cleared on September 13th, 2010. Requirements
3 met."

4 A. No. My license was never taken
5 away in 2009.

6 Q. Okay. So, you don't believe your
7 license was suspended or revoked at any point in
8 time for operating?

9 A. No, because I would have gotten
10 arrested. I was operating without insurance.
11 If I was operating -- driving without an --
12 operating without a license, I would have gotten
13 arrested. That's a ticket.

14 Q. That's why I'm asking you, because
15 they identified -- they use the word
16 "revocation." I didn't know if your license was
17 revoked because of that.

18 MR. LaROSE: To the best of your
19 memory.

20 A. No, I wasn't. I don't remember,
21 no, but when I got driving with no insurance, I
22 didn't have no license suspended.

23 Q. If you go back to the top of that
24 form, the first section under your name and your
25 address, it says "probation start" and then

1 CAITLIN H. RAILO

2 "September 13th, 2010," and then it says "end,
3 March 13th, 2011." Do you see that it's sort of
4 at the very top?

5 MR. LaROSE: First box? Second
6 box? Where are you looking?

7 MR. CIMINI: It's the first box
8 under her identifying information.
9 Second line, "probation start."

10 MR. LaROSE: That's "License Class
11 B"?

12 MR. CIMINI: Right.

13 THE WITNESS: Isn't that for the --
14 that's a different license?

15 MR. LaROSE: Right.

16 THE WITNESS: That's why it was
17 surrendered. That's a different license.

18 Q. Tell me what this.

19 A. CDL.

20 Q. I'm unclear.

21 A. When you get a CDL, you have to
22 hand in your New York State license and get a
23 different class license. They give you the same
24 picture, but it's just, there is Class B, Class
25 C, Class D. You have to hand in that one and

1 CAITLIN H. RAILO

2 get another one.

3 Q. Okay. So, that's what this is
4 referencing?

5 A. It's got to be, because it --
6 that's what it says on here.

7 MR. LaROSE: Right.

8 Q. It says "probation." Do you know
9 what they mean when they say "probation start"?

10 A. No, I have no idea.

11 MR. LaROSE: Off the record.

12 (Discussion off the record.)

13 A. Yeah, it says new CDL is B. I had
14 a Class D and it changed to CDL B. It says "old
15 Class D." That's on the middle one on the
16 bottom right, in the middle box.

17 Q. Okay. Well, let's get to that one
18 now since you've --

19 A. You see where it says up on the
20 top, "probation start 9/13/2010" In the middle
21 box it says, "class change 9/13/2010 to a new
22 Class D license. Old" -- the CDL is Class B so
23 it's class change.

24 Q. I see that.

25 A. Okay.

1 CAITLIN H. RAILO

2 Q. Let's talk a little about what's
3 directly above that that you just mentioned,
4 because it looks like the way I read this, that
5 there was a surrendering of your license on
6 March 4th, 2002.

7 A. That would be the Class D.

8 Q. March 4th, 2002?

9 A. Oh, 2002. I don't remember 2002.
10 Where is that?

11 MR. LaROSE: Maybe that's the date
12 of the license.

13 Q. It says "document surrendered on
14 March 4th, 2002 to New York" and then right
15 underneath that, "returned to New York on July
16 8th, 2002."

17 A. I don't remember 2002.

18 Q. You don't remember surrendering
19 your license in 2002?

20 A. I don't remember 2002.

21 Q. Why is it that you don't remember
22 2002?

23 A. I have trouble remembering
24 yesterday. I don't remember 2002.

25 Q. Is that because of your medical

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CAITLIN H. RAILO

condition or because of your past drug use or a combination of?

A. I have brain damage, and mixed with that and drug use, I have short-term memory loss.

Q. When did you sustain brain damage?

A. I'm -- I don't know. A year? I don't know.

MR. LaROSE: Is that the car accident?

THE WITNESS: It was, yeah. It was a mix between that and then just throughout the years too.

Q. Throughout the years what, the drug use? Do you believe the drug use caused brain damage?

A. It's helping. It was helping, yes.

Q. Did anybody ever tell you that you suffered brain damage?

A. Yes.

Q. Who told you that?

A. I had MRI. I had a CAT scan.

Q. Do you remember what year?

A. I don't remember the doctor's name.

1 CAITLIN H. RAILO

2 It was in a hospital. I don't remember. I
3 can't even tell you the year. I don't know. I
4 could find out.

5 Q. Okay. Would those tests that
6 showed that you had brain damage, would they
7 have been performed prior to your employment
8 with Quality Bus?

9 A. Absolutely.

10 Q. And you don't remember what doctor
11 ordered those tests?

12 A. No. I could find out, because I
13 have been to so many doctors within the past
14 couple years, I don't remember.

15 Q. Do you remember what hospital you
16 had the MRI or the CAT scans done at?

17 A. Middletown.

18 Q. Middletown hospital?

19 A. Yes.

20 Q. And that would be obviously in
21 Middletown, New York?

22 A. Yes.

23 Q. Is that the name of the hospital,
24 Middletown hospital?

25 A. It's changed hospitals.

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CAITLIN H. RAILO

MR. FOULKE: Orange Regional
Medical Center?

THE WITNESS: Yes, and it moved, so
I'm sure they still have records, though.

MR. FOULKE: Moved to Crystal Run
Road?

THE WITNESS: Yes. I haven't been
there. No, I had surgery there, but I
haven't been there to see a doctor.

Q. Continuing on with looking at Railo
Exhibit D, right underneath where we were
talking about, it looks like there was another
surrendering of your license, and I'll read it.
It says, "Document surrendered on 12/5/2008 to
New York. Returned to New York on 8/12/2009."
Do you remember anything about surrendering your
driver's license in December of 2008 and getting
it back in August of 2009?

A. I vaguely do, yes.

Q. Tell me what you remember about
that.

A. I remember I had to pay a fine to
get it back.

Q. Do you know why it was surrendered

1 CAITLIN H. RAILO

2 in the first place?

3 A. No. I had it taken away until I
4 paid a fine. It was for -- I think it was, to
5 tell you -- I can't remember. I don't remember
6 what it was for.

7 Q. Do you remember at that time being
8 legally represented by someone from Scofflaw?
9 Does that ring a bell?

10 A. No.

11 Q. We may come back to this, but for
12 now we're going to move on.

13 Caitlin, our office was able to
14 obtain a number of police records that involved
15 incidents in which you were involved in from
16 Port Jervis, Town of Deer Park, Pike County,
17 Pennsylvania, Orange County, Dingsman Township
18 in Pennsylvania, Middletown, Newburgh and the
19 Town of Wallkill, and what I want to show you
20 initially is a document that our office just
21 created for purposes of this deposition that I
22 would hope help facilitate and make this go a
23 lot quicker.

24 MR. CIMINI: We'll mark --

25 actually, it's the whole entire packet as

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CAITLIN H. RAILO

Railo C.

(Whereupon, packet of arrest records was marked as Railo Exhibit C for Identification as of this date.)

(Documents submitted.)

Q. And what you're looking at is a pretty thick packet of documents, Caitlin. The first three pages of Railo C are really like a summary of what is contained thereafter and --

MR. LaROSE: I'm going to ask, counsel, that if you have the documents here as part of the package that this was created out of, that we be able to show her, question and ask her about a specific --

MR. CIMINI: Keith, I will. If you look at this, you'll see this is a reference on the right-hand column.

MR. LaROSE: Okay.

MR. CIMINI: That references the page number that information is obtained from, so we can easily just flip through.

For example, for the first one that's identified there, you can go to

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CAITLIN H. RAILO

PAGE 9 and 10 of Railo C and we can find that document, but I don't necessarily want to go through -- I just want to ask some general questions. But if you feel like you want to look at something and have her --

THE WITNESS: What page am I going to?

MR. LaROSE: Doesn't matter. Let's just wait until the next question and then we'll see if there is something you want to look at before you answer a question, okay, for any reason. You can always -- we can always try to find any documents that he's referring to.

MR. CIMINI: Right.

MR. LaROSE: Okay.

Q. And I will represent to you that these documents contain information from various police departments that do not include information related to the February 13th, 2000 -- excuse me, February 14th, 2013 accident.

A. What the hell is that?

Q. You may have some questions about

CAITLIN H. RAILO

some of these things and we can go through them and we're going to go through them and hopefully it's going to be quick, but let's start with the first one that's identified there on February 17th, 2014, the City of Port Jervis. That references an incident involving an Ann Horsham from Empowerment where --

MR. LaROSE: These are dispatch reports.

Q. Let me ask you. I will ask you this question and maybe this will help. Do you remember, Caitlin, being asked to leave a facility by the name of Empowerment by an Ann Horsham and where you refused to leave and the cops were called?

A. No.

Q. You don't recall that?

A. No.

Q. I can show you that document, but if you don't remember it, that's fine. I don't need to show it to you to refresh your recollection unless you really want me to. I rather not.

I'm just going to ask questions, if

1 CAITLIN H. RAILO

2 you recall certain things, that's fine. If you
3 don't recall, you can just say I don't know.
4 That's why I don't want to ask any -- if I want
5 to ask any follow-ups on those incidents, I
6 will.

7 A. I don't remember. I don't know
8 anybody named Ann Horsham.

9 Q. How about a place called
10 Empowerment? Do you know what that is? Did you
11 ever hear of a place called Empowerment?

12 A. No.

13 Q. Do you remember on June 12th, 2014
14 being kicked out of a house that you were living
15 in with a gentleman by the name of Curt Van
16 Riper?

17 MR. LaROSE: Where is that on this
18 sheet?

19 MR. CIMINI: That's the second,
20 February 12th, 2014.

21 MR. LaROSE: You said June.

22 MR. CIMINI: Oh, I apologize, I'm
23 sorry.

24 A. I remember that he was drunk. His
25 mom kicked him out.

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CAITLIN H. RAILO

Q. Okay. You remember you were with this Curt Van Riper?

A. Yes.

Q. Was that somebody that you were living with at that time?

A. No.

Q. Was he a friend, boyfriend?

A. He was a friend.

Q. June 11th, 2013, do you recall being pulled over from someone, a police officer, from the Town of Deer Park, for erratic driving?

A. No.

MR. CATALINOTTO: I just want to put something on the record, just to clarify, that to the extent that these are not criminal convictions and they're just --

MR. CIMINI: I'm not representing they are.

MR. CATALINOTTO: To the extent that any of these questions pertain to things that are not criminal convictions, then I object to the admissibility of

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CAITLIN H. RAILO

this should this case go to trial and
this testimony today, other than
questions and answers relative to
criminal convictions, so...

MR. CIMINI: Okay. I'll give you a
continuing objection.

MR. LaROSE: Same for me, right. I
wasn't going to raise it because we are
not at trial, but okay.

MR. CIMINI: That's fine. You both
can have a continuing objection based on
that.

Q. Caitlin, the next one is, I'm going
to ask you about is on May 16th, 2011 in the
Town of Deer Park, do you remember being with a
female who had chest pains and the police being
called as a result of that?

A. Which one are we on?

MR. LaROSE: Down here. 5/16/11,
right here (indicating).

A. No.

Q. Okay. And I'm just asking if you
recall any incident that sounds familiar.

A. No.

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CAITLIN H. RAILO

Q. Do you recall being in Pike County on December 21st, 2013 when the police were called and found an unconscious female on the bathroom floor?

MR. LaROSE: First page.

MR. CIMINI: Strike that. We may come back to that.

Q. December 16th, 2013, do you recall --

MR. LaROSE: Also, let's also just note another continuing objection also to the fact that you're asking about a lot of stuff that postdates the accident here.

MR. CIMINI: I understand that.

MR. LaROSE: All right.

MR. CIMINI: And, actually, there is not much that postdates it.

MR. LaROSE: Well --

MR. CIMINI: Strike that last question.

Q. December 16th, 2013, because those are the charges that related to our accident to the bus accident, so we're not going to go over

1 CAITLIN H. RAILO

2 that at this point, but do you remember on July
3 24th, 2013 having the police come to somewhere
4 in Port Jervis where you were camping in an area
5 behind a middle school where you weren't
6 supposed to be?

7 A. No.

8 Q. You don't have any recollection of
9 that?

10 A. No. There was a homeless guy back
11 there and we went swimming in the river, but I
12 don't know why it says that. Maybe that was the
13 call that they got because this is going to
14 be -- this is the calls and what they got, this
15 isn't what really happened. I don't even want
16 to go through this.

17 Q. Well, I'm just asking what you
18 recall.

19 A. Okay. But I'm just saying that I
20 don't even want to go through this.

21 Q. Well, I'm going --

22 A. Because I'm going to tell you I
23 don't remember any of it because that's not what
24 happened.

25 Q. That's a perfectly acceptable --

1 CAITLIN H. RAILO

2 I'll accept that as an answer if that's the
3 truth and you don't remember, that's fine. You
4 can just tell me I don't remember or that's not
5 what happened. This is what happened.

6 MR. LaROSE: It's not what
7 happened. It's what she's saying. Okay?

8 Q. I'm going to skip down to November
9 14th, 2011. Do you recall being in a dispute
10 with a neighbor regarding some items that may
11 have been blocking an alleyway?

12 A. No.

13 Q. You don't remember that?

14 A. No, not at all.

15 Q. Down to the last one, Caitlin, on
16 that page, there is an October 26th, 2008 --

17 MR. LaROSE: Can you just hold on a
18 second? Let me finish reading something
19 here.

20 MR. CIMINI: Sure.

21 MR. LaROSE: You know, I'm allowing
22 you a lot of leeway here, and I just want
23 to point out for the record that, you
24 know, asking her about some police
25 dispatch on 11/14/11 where there was an

1 CAITLIN H. RAILO

2 argument reportedly according to the
3 dispatch between two neighbors, what the
4 hell this has to do with this lawsuit,
5 and why you're invading my client's --

6 THE WITNESS: Exactly.

7 MR. LaROSE: -- privacy in areas
8 that I don't think are in any way
9 relevant or could lead to relevant
10 material in this litigation, just for the
11 record. Go ahead, counselor.

12 MR. CIMINI: Thank you.

13 Q. Caitlin, on the very bottom of that
14 page, October 26th, 2008, there is an incident
15 in Middletown where you claimed that you had
16 been robbed. Do you recall anything related --

17 MR. LaROSE: Hold on a second. Let
18 me see what you're referring to here.

19 MR. CIMINI: That's Page 61.

20 MR. LaROSE: What is the relevance
21 of this, counselor? I mean, come on,
22 really!

23 MR. CIMINI: This is a discovery
24 deposition. I'm entitled.

25 MR. LaROSE: I understand that.

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CAITLIN H. RAILO

How is this going to lead to anything
that's relevant?

MR. CIMINI: It could.

MR. LaROSE: It could?

MR. CIMINI: That's the purpose of
a discovery deposition. We're not on
trial right now.

MR. LaROSE: I understand that.

MR. CIMINI: You guys asked Justin
Maher the same types of questions, so...

MR. LaROSE: I don't think we went
to anything even closely resembling this,
counselor, quite frankly.

MR. CIMINI: Well, I'm going to ask
the questions.

MR. LaROSE: Go ahead.

MR. CIMINI: Here's what we do. If
you don't want her to answer, you can
just instruct her not to answer, I'll
accept that and we can move on, and then
we'll have Judge McCarthy rule on these.
We can do this, you know, the easy way or
the hard way. I'm willing to go ahead
and ask my questions. If you don't want

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CAITLIN H. RAILO

her to answer, tell her not to answer.

MR. LaROSE: Do you have a specific question? Go ahead and ask. Let's hear what your specific question is.

Q. Do you remember complaining to the police on October 26th, 2008 that you had been robbed?

A. No.

Q. You don't recall that?

A. No.

Q. Involving a cell phone and a ring, does that ring a bell?

A. No.

MR. LaROSE: I don't think you're reading the right one.

THE WITNESS: I don't know any of this.

MR. LaROSE: That's all right.
That's fine. If you don't recall, you don't recall.

MR. CATALINOTTO: Off the record.

(Discussion off the record.)

Q. Caitlin, do you remember on July 30th, 2008 being arrested for any reason in the

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CAITLIN H. RAILO

City of Middletown, New York?

MR. LaROSE: Hold on. So, where on
your C is this and then we'll find it?

MR. CIMINI: Page 58.

MR. LaROSE: No. Where on C are we
looking?

MR. FOULKE: It says D-1.

MR. CIMINI: It's on Page 2.

MR. LaROSE: What is the date?

MR. CIMINI: July 30th, 2008, and
then if you go to --

MR. LaROSE: Arrest redacted.

MR. CIMINI: If you go to Page 58.

THE WITNESS: What does that mean?

MR. LaROSE: Well, let's see.

A. What the hell is that? I mean,
it's kind of funny.

Q. And quite frankly, this document I
mention your name and an arrest, and I don't
know what it's about and that's why I'm asking
you if you can, if you recall anything regarding
this at that time --

A. No.

Q. -- on July 30th, 2008 in

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CAITLIN H. RAILO

Middletown.

A. Doesn't have anything on there, no.

Q. No. And that's why I'm asking. I don't know anything about it either.

MR. LaROSE: Counselor, have you obtained these under a subpoena or something? You should have provided them to us.

MR. CIMINI: I didn't obtain those pursuant to a subpoena. They were absolutely not obtained pursuant to a subpoena.

MR. LaROSE: Then how did you obtain them?

MR. CIMINI: Through FOIL.

MR. LaROSE: Okay. I would have appreciated the courtesy of being provided these documents ahead of time.

MR. CIMINI: I will tell you that we just received these documents within probably the last couple of days, as late as yesterday, so they just came in for the most part.

MR. CATALINOTTO: I just want to

CAITLIN H. RAILO

put one thing on the record. I'm not trying to impede the questioning, but at Justin Maher's deposition, certain entries in the police documents we questioned him on as it pertained to his mental state for purposes of anger and his driving ability after the accident. Right now we're getting into dispatch calls, calls she didn't make and asking her to interpret those and understand why those people made the calls, and again, it's discovery, but I really think we should go over -- we should be asking questions based on her criminal convictions and a rap sheet, not calls from dispatch, but...

MR. LaROSE: Or at least something that has some tentative relationship to any direct relevance to her driving a bus on the day of this accident. I don't see how any of this does --

MR. CIMINI: Well, I think it can be fairly argued that all of these incidents could relate -- may relate to

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CAITLIN H. RAILO

her ability, her mental ability to drive a bus, you know, being involved in various incidents when the police are called.

MR. LaROSE: And how does that relate to the liability in this lawsuit?

MR. CIMINI: We'll leave that up to the experts at the appropriate time to pull it all together, but I believe that it is very relevant.

THE WITNESS: A lot of people wouldn't be able to drive a bus. I don't want to answer any more questions about this. It's really just -- I told you I don't remember stuff.

MR. CIMINI: And that's fine.

THE WITNESS: Stuff from 2007, 2006, 2008.

MR. LaROSE: Okay.

MR. CIMINI: Off the record.

(Discussion off the record.)

Q. Caitlin, do you remember being involved in any type of domestic dispute on October 2nd, 2006 in Middletown, New York?

1 CAITLIN H. RAILO

2 A. 2006, no.

3 Q. Independent of what those records
4 say or anything like that, I'm asking you, do
5 you remember anything related to a domestic
6 dispute at that time?

7 A. No.

8 MR. LaROSE: Just for the record,
9 she is only looking at your summary.
10 She's not looking at any supporting
11 documents.

12 Q. Do you remember being involved in a
13 domestic dispute in Middletown on June 7th,
14 2004? Does that ring a bell?

15 MR. LaROSE: Okay. Again, she is
16 just looking at your attorney's summary,
17 not any supporting documents.

18 MR. CIMINI: I understand that.

19 A. No.

20 Q. You remember on March 21st, 2001 in
21 Newburgh being a witness to a robbery or a
22 felony?

23 A. No.

24 Q. Now, if you can, on Railo Exhibit
25 C, can you please turn to Page 70?

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CAITLIN H. RAILO

MR. LaROSE: Is it possible?

MR. CIMINI: Do you have Page 70 in front of you?

MR. LaROSE: Hang on a second, because 70 looks like a continuation of something.

MR. CIMINI: There is -- just let me know when you're ready. It's a simple question.

MR. LaROSE: All right. Why don't you ask the question, give me a chance to look at this document, then I'll have her answer so I know what we're doing here?

Q. Do you remember being cited, receiving a citation for any motor vehicle violation on October 17th, 2000?

MR. LaROSE: The one that's here blank?

MR. CIMINI: Yes. Do you have any recollection?

MR. LaROSE: Is there any reason that that date rings a bell of any type of vehicle citations?

THE WITNESS: Fifteen years ago,

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CAITLIN H. RAILO

no.

Q. That's the question, yep.

A. No.

Q. Page 69, on May 25th, 2001 in the Town of Deer Park, the police records reference a traffic stop on Plank Road in Newburgh. Do you have any recollection of that particular traffic stop at that time?

A. No.

Q. That doesn't ring a bell at all? Yes or no?

A. No.

Q. Page 72, this report references a charge of disorderly conduct that would have occurred on April 25th, 2003. Do you recall?

MR. LaROSE: You're showing us the wrong document then. What page?

MR. CIMINI: Page 72.

Q. There is a reference that at the police station it was discovered that the defendant had a bench warrant issued by Honorable Werner on April 25th, 2003 for failure to pay a \$315 fine for the charge of disorderly conduct. Do you have any recollection of that?

1 CAITLIN H. RAILO

2 A. Of what? Getting disorderly
3 conduct?

4 Q. Yes, at that time.

5 A. Do you also realize that when you
6 get a charge, they lower it to disorderly
7 conduct?

8 Q. That's not the question.

9 A. I got a couple times because it got
10 lowered to that.

11 MR. LaROSE: But this was a charge,
12 this wasn't a reduction even.

13 A. They charged me with disorderly
14 conduct, so it becomes a charge.

15 Q. Do you recall that happening?

16 A. No, I don't remember getting
17 disorderly conduct.

18 Q. That's the question.

19 A. Not in 2003.

20 MR. LaROSE: Well, that's the
21 failure to pay fine. It doesn't tell you
22 when the charge was.

23 A. I don't remember.

24 Q. You don't remember?

25 A. No.

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CAITLIN H. RAILO

Q. There is a reference to you on May 1st, 2003 taking some items worth about \$708 in clothing, bracelets and fragrance from a Bon-Ton. Do you recall that?

A. Vaguely. I don't -- I mean, this is twelve years ago.

Q. I understand that, but my question is, do you recall being arrested for larceny, petit larceny, for that event?

A. Probably was. I remember it vaguely.

MR. LaROSE: She told you earlier that she recalls generally a petit larceny charge, but didn't recall the details.

Q. After looking at this, does that refresh your recollection about that charge?

A. A little bit. I said I vaguely remember.

Q. Okay. What do you remember about it?

A. Stealing and getting arrested. I don't remember exactly what store it was or exactly what date it was.

1 CAITLIN H. RAILO

2 Q. Do you remember how that charge was
3 resolved?

4 A. I don't know. Probably got bailed
5 out.

6 Q. Do you remember who your lawyer
7 would have been?

8 A. All right. Now you're just going
9 too far. I don't remember.

10 Q. You could just say yes or no, I
11 don't remember. That's fine.

12 A. I did. I said I don't remember.

13 Q. Okay. If you turn to Page 146,
14 this is an Information and an Indictment,
15 Criminal Number is 2013-43, People of the State
16 of New York against Caitlin H. Railo a/k/a
17 Caitlin Railo. This is a document that's signed
18 by the acting Orange County District Attorney,
19 and in that he references a January 5th, 2014,
20 Driving While Ability Impaired.

21 MR. LaROSE: No, 2004.

22 MR. CIMINI: What did I say?

23 MR. LaROSE: '14.

24 Q. January 5th, 2004, Driving While
25 Ability Impaired conviction. Do you recall that

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CAITLIN H. RAILO

conviction?

MR. LaROSE: Well --

THE WITNESS: I know I got one.

MR. LaROSE: She already testified that she recalls a DWAI. She couldn't recall the date, so you're asking her --

Q. Is this the conviction that you're referring to that you referred to earlier?

A. I'm assuming.

Q. Was there more than one?

A. I don't remember details of it. I don't remember exact.

MR. LaROSE: This doesn't tell details anyway.

Q. And I just want to know, was this the only Driving While Ability Impaired conviction --

A. Yes.

Q. -- that you had prior to our bus accident?

A. Yes.

Q. Were there any others --

A. No.

Q. -- as far as you know?

1 CAITLIN H. RAILO

2 A. No.

3 Q. Okay. And you can't tell me
4 anything about the facts surrounding that
5 conviction?

6 A. No.

7 Q. Do you remember how the case was
8 disposed of?

9 MR. LaROSE: Well, it just says she
10 was --

11 MR. CIMINI: I know it says that
12 you were convicted. Let me ask you this.

13 MR. LaROSE: -- convicted.

14 Q. Did you go to prison as a result of
15 that?

16 A. No.

17 Q. Were you ever in prison other than
18 for this accident?

19 A. No.

20 Q. Do you have Railo D in front of
21 you?

22 MR. LaROSE: He is going to ask you
23 to look at something apparently.

24 Q. The second page of Railo D. I'll
25 read it so everyone can understand what it says.

1 CAITLIN H. RAILO

2 It says, "Conviction" on the very
3 top. "Conviction Driving While Impaired.
4 Violation 12/22/2003. Convicted on January 5th,
5 2004. Location Orange County, Town of Newburgh.
6 Penalty days 15." Do you recall being sentenced
7 to fifteen days in prison?

8 A. I don't remember.

9 Q. Okay.

10 A. That's the same one, but that's not
11 prison. You said have I been to prison before.

12 Q. Right. That's not prison. Were
13 you sentenced to fifteen days in any
14 institution?

15 A. In jail, in county. Probably, yes,
16 I did.

17 Q. So, you're making a distinction
18 between --

19 A. There is a very big --

20 Q. I just want to understand so we're
21 on the same page.

22 A. I'm letting you know so if you ask
23 me again, this is prison, those are counties.
24 Those are totally different jails.

25 Q. I appreciate that.

1 CAITLIN H. RAILO

2 A. Okay.

3 Q. So, you did serve fifteen days in
4 county jail --

5 A. Yes.

6 Q. -- for that Driving While Ability
7 Impaired conviction?

8 A. I don't remember when it was. I
9 probably did. It says 15, so probably, yes.

10 Q. Okay. If you can turn to Page 76.

11 MR. LaROSE: We're back to D again?

12 MR. CIMINI: C.

13 MR. LaROSE: Back to C, I mean.

14 Q. Do you remember earlier when you
15 talked about leaving the scene of an accident?

16 A. Yes, that's that one.

17 Q. Is this what we're talking about
18 now on Page 76?

19 A. Um-hum.

20 Q. You were -- according to this
21 particular report, it looks like you were
22 charged with leaving the scene of an accident,
23 and that's what you told me about earlier;
24 correct?

25 A. Yes.

1 CAITLIN H. RAILO

2 Q. And it also indicates that you
3 failed to stop at a stop sign and that you were
4 also charged with reckless driving in connection
5 with this particular accident. Does that sound
6 accurate?

7 A. I've never been charged with
8 reckless driving.

9 Q. Do you see at the very top of Page
10 76 there are numbers listed, 1, 2, 3 on the
11 left-hand column and the first charge is leaving
12 the scene of an auto accident? Do you see that?

13 A. Yes.

14 Q. And underneath that "fail to stop
15 at a stop sign"?

16 A. Um-hum.

17 Q. And underneath that "reckless
18 driving"?

19 A. Yes. Those might have been the
20 tickets that the cops wrote, but when I went to
21 court, all I got was leaving the scene of a
22 personal injury accident.

23 Q. Okay. Do you remember what type of
24 vehicle you were driving --

25 A. A van.

1 CAITLIN H. RAILO

2 Q. -- in that accident? And that was
3 a 1999 Dodge van?

4 A. I don't know the year, but yes.

5 Q. Who owned that van?

6 A. My boyfriend at the time. It was
7 his boss'. It was his work van.

8 Q. Would that have been Robert Sava
9 (phonetic)? Does that sound familiar?

10 A. Yes.

11 Q. And were you operating that van
12 with your boyfriend's boss' permission?

13 A. No. My boyfriend asked me.
14 Actually, I was reading this which actually it's
15 pretty funny. This is the same one that I had.
16 Yeah, I was going somewhere for him. He knew I
17 was driving it.

18 Q. Who knew? Your boyfriend? Your
19 boyfriend knew?

20 A. Um-hum.

21 THE COURT REPORTER: Yes?

22 MR. CIMINI: That's a yes?

23 THE WITNESS: Yes. Sorry.

24 Q. Do you recall exactly how that
25 accident happened?